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December 11, 2024

BY ECF

Honorable J. Paul Oetken
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: **USA v. Nunez, et al.**
Case No. 22-cr-293 (JPO)

Dear Judge Oetken:

I am CJA-appointed counsel for defendant Jesus Zapata in the above-captioned matter. I write on behalf of defendants Jesus Zapata and Brayan Lloret to request an adjournment of the pre-trial motion schedule as it relates only to Messrs. Zapata and Lloret. This is the third request for an adjournment of the pre-trial motion schedule, each of which were granted by Your Honor (*see* ECF Doc. Nos. 434 and 470).

Under the schedule set by Order of Your Honor on September 20, 2024, defense motions specific to *pre-trial severance* are due by December 15, 2024 (*see* ECF Doc. No. 470).¹ As noted in the second letter request for an adjournment filed on September 19, 2024, the trial groups were to be determined at the December 5, 2024, status conference (“December 5 Conference”) and thereby determine which co-defendant(s) Messrs. Zapata and Lloret may seek to sever (*see* ECF Doc. No. 469). In the interim, several co-defendants have taken pleas, and the outcome of the December 5 Conference was that co-defendants Jowenky Nunez, Jr., Brian Hernandez, and Iyaury Rodriguez-Rosario, are scheduled to proceed for trial in April 2025. It is counsel for Messrs. Zapata and Lloret’s understanding that remaining co-defendants including Messrs. Zapata and Lloret, trial groups have not yet been determined and therefore, any pre-trial motion for *severance* would be premature at this point.

Presently, Messrs. Zapata and Lloret are scheduled for a status conference before Your Honor on February 7, 2025, therefore, counsel requests, that any pre-trial motion for *severance* be filed (7) days after this appearance, on or before February 14, 2025.

¹ December 15, 2024, is a Sunday therefore, pursuant to Fed. Rules of Crim. Proc., Rule 45(3)(A), the filing deadline is Monday December 16, 2024.



In the event the February 7, 2025, conference is adjourned or otherwise re-scheduled we ask that Your Honor permit that the defense's pre-trial motion for *severance* be due (7) days after that new conference date.

I have conferred with the Government, and the Government has no objection to this request.

Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "AL BT", written over a horizontal line.

Andrew M. J. Bernstein

Partner

Fox Rothschild LLP

Attorney for defendant Jesus Zapata

Granted.
So ordered.
12/12/2024

A handwritten signature in blue ink, appearing to read "JPO", written over a horizontal line.

J. PAUL OETKEN
United States District Judge